

UNITED STATES BANKRUPTCY COURT  
MIDDLE DISTRICT OF FLORIDA  
TAMPA DIVISION

IN RE:  
Richard Eveillard

Case No. 8:15-bk-08602-KRM  
Chapter 13

Debtor(s) /

**VERIFIED MOTION BY DEBTOR TO DETERMINE SECURED STATUS OF  
SENTRY MANAGEMENT HOA AND TO STRIP LIEN AND  
REQUEST FOR ATTORNEY'S FEES**

**NOTICE OF OPPORTUNITY TO  
OBJECT AND REQUEST FOR HEARING**

Pursuant to Local Rule 2002-4, the Court will consider this motion, objection, or other matter without further notice or hearing unless a party in interest files a response within thirty (30) days from the date set forth on the proof of service attached to this paper plus an additional three days for service. If you object to the relief requested in this paper, you must file your response with the Clerk of the Court at 801 North Florida Avenue, Suite 555, Tampa, Florida 33602-3899 and serve a copy on the movant's attorney, Curran K. Porto, Esq., 410 S. Ware Blvd., Suite 404, Tampa, Florida 33619, and any other appropriate persons within the time allowed.

If you file and serve a response within the time permitted, the Court may schedule and notify you of a hearing, or the Court may consider the response and may grant or deny the relief requested without a hearing. If you do not file a response within the time permitted, the Court will consider that you do not oppose the relief requested in the paper, will proceed to consider the paper without further notice or hearing, and may grant the relief requested.

The Debtor(s), by and through his undersigned attorney, move this Honorable Court to determine the secured status of creditor, Sentry Management HOA, and in support thereof state:

1. Sentry Management HOA is a creditor of the estate, and no claim has been filed. Creditor purportedly holds a secured lien against debtor's homestead property, located at 5228 W. Kennedy Blvd., Tampa, FL 33609, with the legal description of:

**Legal Description:**

**Building No. 4, Unit 5228, Cordoba At Beach Park, a Condominium recorded in Official Records Book 15732, Pages 959 through 1090, in the Public Records of Hillsborough County, Florida, and any and all amendments thereto, together with an undivided interest in and to the common elements appurtenant thereto.**

The approximate amount of the Secured Claim is \$ 30,000.00, and no claim has been filed.

2. There is a first mortgage (the "First Mortgage") on the Debtors' homestead that is superior to the lien. This superior First Mortgage is held by PNC Mortgage Services, account No. xxxxxx6872, recorded in OR Book 17969, Page 387, Instrument No. 2007327489, recorded on July 25, 2007, and Modified in OR Book 21821, Page 1031, Instrument No. 2013152322, recorded on April 18, 2013, of the Public Records of Hillsborough County, Florida with a approximate balance amount of \$347,177.00. No Claim has been filed.
3. An appraisal of the homestead property was taken from the Property Appraiser Hillsborough County Report assessed value on 09/24/2015 and asserted to be **\$152,050.00**. The Property Appraiser report is attached as Exhibit "A".
4. As such, the unsecured portion of the First Mortgage is \$195,127.00 and the Lien for Sentry Management HOA is entirely unsecured. Accordingly, there is no equity in the aforesaid property.
6. The purpose of the valuation is to determine the required treatment of the claim in the Chapter 13 Case. The Case as filed declares that the First Mortgage will be paid in the class of creditors deemed secured.
7. The undersigned attorney has spent time in excess of the time sought to be paid in the Chapter 13 Plan, and hereby seeks \$400.

WHEREFORE, the Debtor requests that the Court determines the secured status of the Lien as entirely unsecured and an unenforceable debt, and allow the additional attorneys' fees of \$400.00, and for such other and further relief as the Court deems appropriate.

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished to:

Regular U.S. Mail to:

Sentry Management HOA  
Howard Pomp, Registered Agent  
2180 W. State Rd. 434  
Suite 5000  
Longwood, FL 32779-5044

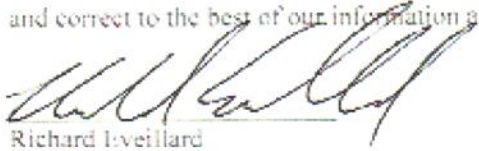
By Electronic Mail to Chapter 13 Standing Trustee:  
Kelly Remick  
P.O Box 6099  
Sun City, FL 33571

On this 30<sup>th</sup> day of September, 2015

/s/ curran k. porto  
Porto Legal Center  
Curran K. Porto, Esq.,

Florida Bar no. 039470  
410 S. Ware Blvd., Ste 619C  
Tampa, Florida 33619  
(813) 626-0088 telephone  
(813) 626-5252 facsimile  
[curran@portolegalcenter.com](mailto:curran@portolegalcenter.com)

We, the undersigned Debtor, declare under penalty of perjury that the foregoing is true and correct to the best of our information and belief.



Richard I. Veillard





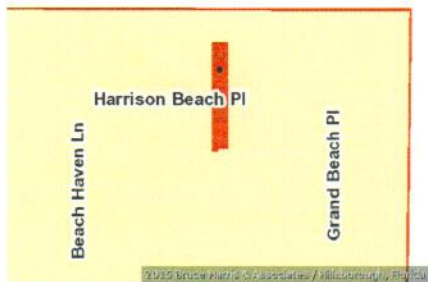
**Bob Henriquez**  
Hillsborough County Property Appraiser

<https://www.hcpafl.org/>  
15th Floor County Ctr.  
601 E. Kennedy Blvd, Tampa, Florida 33602-4932  
Ph: (813) 272-6100

## Folio: 114293-1086



W Kennedy Blvd



### Owner Information

**Owner Name** EVEILLARD RICHARD J  
**Mailing Address** 5228 W KENNEDY BLVD  
TAMPA, FL 33609-1808  
**Site Address** 5228 W KENNEDY BV, TAMPA  
**PIN** A-20-29-18-871-000004-05228.0  
**Folio** 114293-1086  
**Prior PIN** A-20-29-18-3L4-000000-00013.0  
**Prior Folio** 113272-0000  
**Tax District** TA - TAMPA  
**Property Use** 0400 CONDOMINIUM  
**Plat Book/Page** /  
**Neighborhood** 802084.00 | Condo Group 084  
**Subdivision** 871 | CORDOBA AT BEACH PARK A CONDOMINIUM

### Value Summary

Taxing District	Market Value	Assessed Value	Exemptions	Taxable Value
County	\$152,050	\$108,061	\$50,000	\$58,061
Public Schools	\$152,050	\$108,061	\$25,000	\$83,061
Municipal	\$152,050	\$108,061	\$50,000	\$58,061
Other Districts	\$152,050	\$108,061	\$50,000	\$58,061

Note: This section shows Market Value, Assessed Value, Exemptions, and Taxable Value for taxing districts. Because of changes in Florida Law, it is possible to have different assessed and taxable values on the same property. For example, the additional \$25,000 Homestead Exemption and the non-homestead CAP do not apply to public schools, and the Low Income Senior Exemption only applies to countywide and certain municipal millages.

### Sales Information

Book	Page	Month	Year	Type Inst	Qualified or Unqualified	Vacant or Improved	Price
17549	0328	02	2007	WD	Qualified	Improved	\$310,700
14953	0227	04	2005	WD	Unqualified	Vacant	\$41,200,000

**Building Information**

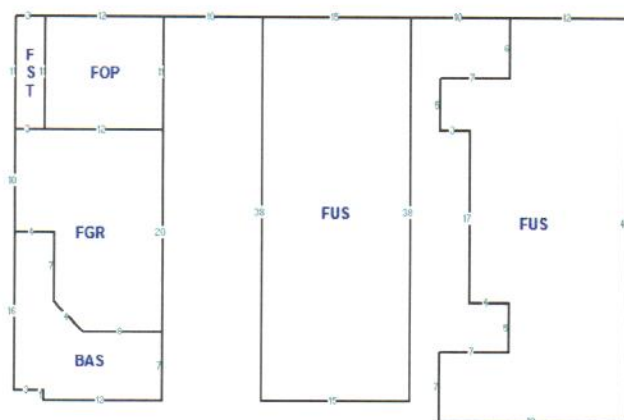
## Building 1

**Type** 25 I  
CONDOMINIUM

**Year Built** 2004

## Building 1 Construction Details

Element	Code	Construction Detail
Class	C	Masonry or Concrete Frame
Exterior Wall	7	Masonry Frm: Stucco
Roof Structure	3	Gable or Hip
Roof Cover	6	Tile
Interior Walls	5	Drywall
Interior Flooring	8	Carpet
Interior Flooring	5	Wood
Heat/AC	2	Central
Condition	3	Average
Bathrooms	2.5	
Bedrooms	2.0	
Stories	3.0	
Units	1.0	



## Building 1 subarea

Area Type	Gross Area	Heated Area	Depreciated Value
FOP	132		\$2,595
FST	33		\$1,258
FGR	256		\$10,066
BAS	147	147	\$11,561
ADD			\$0
FUS	570	570	\$40,344
ADD			\$0
FUS	632	632	\$44,748

**Land Information - Total Acreage: 0.0**

Use Code	Description	Zone	Front	Depth	Land Type	Total Land Units	Land Value
0040	CONDO/TOWNHOUSE	PD	0.0	0.0	UT I UNITS	1.00	\$100

**Legal Description**

**Legal Description** CORDOBA AT BEACH PARK A CONDOMINIUM UNIT 5228 BLDG 4 AND AN UNDIV INT IN COMMON ELEMENTS